

**REMARKS**

Claims 1-3 are pending. Claims 1-3 have been amended in order to correct the form of the claims to conform with U.S. practice. The scope of the claims have not been narrowed and the amendments have not been made for a statutory purpose.

Applicants request that the filing of the certified copy of the Japanese priority document be acknowledged. On the Office Action Summary that accompanied the Action mailed September 9, 2004, the priority acknowledgment was incompletely filled out. That is, box 12(a)(1) was not checked. It is requested that a complete acknowledgment accompany the next Office Action.

Claims 1-3 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,118,771 (Tajika et al.). Applicants respectfully traverse this rejection.

Each of independent claims 1 and 3 require that “the IP table includes means for, **each time a frame from the MAC layer switching means arrives**, updating self-table contents according to the IP address of the frame” (emphasis added). This feature of independent claims 1 and 3 is neither taught or suggested by Tajika. In rejecting this limitation of claims 1 and 3, the Final Office Action points to Tajika at col. 11, line 36 through col. 12, line 2. In this portion of Tajika, a procedure is taught whereby a first terminal can learn the MAC address of a second terminal by issuing a broadcast request for the MAC address of the second terminal. The second terminal responds with its MAC address in message to the first terminal which is copied to a server that is on the same segment. If the server does not have the second terminal’s MAC address, it will update its network information with the second terminal’s MAC address. This disclosure of Tajika does not teach or suggest the limitation of claims 1 and 3 that requires updating the IP

table **“each time a frame from the MAC layer switching means arrives.”** At best, Tajika teaches updating its address table when the server is specifically sent missing information. Tajika clearly does not teach updating its table **“each time”** a frame arrives at a switching means as is required by claims 1 and 3.

Independent claims 1 and 3 each further require that **“the MAC table includes means for, each time a frame from the IP layer switching means arrives, updating self-table contents according to the MAC address of the frame.”** (emphasis added). In rejecting this limitation of claims 1 and 3, the Final Office Action points to col. 12, line 36 through col. 13, line 7. In this portion of Tajika, a procedure for assigning a MAC address to a new terminal is explained. According to this process, the new terminal asks its controlling server to issue a particular MAC address to the new terminal. The controlling server performs a conflict check to see if that MAC address is already taken. If it is already taken, the request for the MAC address is denied. If the MAC address is available, it is assigned to the new terminal and the tables in the server are updated accordingly. This disclosure of Tajika does not teach or suggest the limitation of claims 1 and 3 that requires updating the MAC table **“each time a frame from the IP layer switching means arrives.”** Tajika, at the portion cited in the Final Office Action, merely teaches how a MAC address is assigned to a new terminal. Tajika clearly does not teach updating its table **“each time”** a frame arrives at a switching means as is required by claims 1 and 3.

For the above reasons alone, Applicants respectfully submit that Tajika neither anticipates nor renders obvious the inventions as recited in independent claims 1 and 3.

Claim 1 further requires **“means for detecting fault generation of the plurality of physical transmission paths.”** In rejecting this limitation of claim 1, the Final Office Action

first points to col. 31, lines 38-42. In this portion of Tajika, it is stated that “terminals of the group which cannot communicate with each other can be detected, and the communication links between terminals belonging to the group are ensured.” Applicants respectfully submit that this portion of Tajika does not teach fault detection as required by claim 1. For example, the two terminals in Tajika might not be able to communicate with each other because there is no physical connection between the terminals. This is not a fault in the system, but a design of the system. Accordingly, this portion of Tajika does not teach fault detection as required by claim 1. The Final Office Action further relies on col. 12, lines 20-25 of Tajika for teaching fault detection. Applicants respectfully disagree. In this section of Tajika, it is merely stated that the servers in Tajika can perform network administration using tables. This section of Tajika is completely silent with respect to fault detection.

Claim 1 further requires “means for updating the IP table such that a physical transmission path in which a fault is detected according to the detection result is bypassed.” In rejecting this limitation of claim 1, the Final Office Action first points to col. 5, lines 29-31. Tajika at this cited portion merely teaches a controller that can update group information as groups are created, or terminals are added to or deleted from groups. This portion of Tajika is completely silent with respect to updating an IP table to indicate the bypassing of a fault detected in a transmission path as required by claim 1.

As Applicants have shown that Tajika does not teach or suggest at least the three above identified limitations recited in claim 1. Withdrawal of the rejection of independent claim 1 and its dependent claim 2 on the basis of Tajika is therefore respectfully requested.

In addition to the updates of the MAC and IP tables upon the receipt of a frame as discussed above, claim 3 further requires “means for measuring the traffics of the plurality of physical transmission paths” In rejecting this limitation of claim 3, the Final Office Action points to col. 33, lines 25-38. In this portion of Tajika, it is simply taught that congestion can be reduced by using random numbers in the timers used in the transmission of acknowledgement packets in response to a multicast transmission. That is to say, if all of the recipients responded with their acknowledgements to a multicast at the same time, congestion would occur. By randomly assigning times for response to a multicast message, Tajika reduces the potential congestion caused by the acknowledgements. This disclosure of Tajika clearly does not teach or suggest the measuring of traffic on transmission paths as required by claim 3. Tajika does not disclose any measuring whatsoever, let alone measuring traffic on the transmission paths as required by claim 3.

Claim 3 further requires “means for updating the IP table such that a physical transmission path in which a traffic volume exceeding a threshold value is detected according to the measurement result is bypassed.” In rejecting this limitation of claim 3, the Final Office Action points to col. 33, line 38 through col. 34, line 5. Tajika, at this portion, discloses how acknowledgement packets are transmitted. Tajika is completely silent with respect to updating the IP table to indicate the bypass of transmission paths that exceeded a threshold level of traffic as required by independent claim 3.

As Applicants have shown that Tajika does not teach or suggest at least the three above identified limitations recited in claim 3. Withdrawal of the rejection of independent claim 3 on the basis of Tajika is therefore respectfully requested.

This Amendment After Final Rejection is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. At the very least, however, entry of this Amendment After Final Rejection, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

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Respectfully submitted,

By

  
Joseph W. Ragusa

Registration No.: 38,586

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

1177 Avenue of the Americas  
41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant